

ENTERED

September 27, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

EDUARDO VILLANOVA-ANAYA

VS.

UNITED STATES OF AMERICA

§
§
§
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§

CIVIL ACTION NO. M-15-141
CRIMINAL ACTION NO. M-13-1222-1

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND GRANTING
DISMISSAL**


The Court has reviewed the magistrate judge's Report and Recommendation regarding Movant Eduardo Villanova-Anaya's action pursuant to 28 U.S.C. § 2255. After having reviewed the said Report and Recommendation, and no objections having been filed by either party, the Court is of the opinion that the conclusions in said Report and Recommendation should be adopted by this Court.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the conclusions in United States Magistrate Judge Peter E. Ormsby's Report and Recommendation entered as Docket Entry No. 26 are hereby adopted by this Court.

FURTHER, the Court, having adopted the magistrate judge's conclusions, is of the opinion that Movant be granted an out-of-time appeal, that the Motion to Vacate Sentence under 28 U.S.C. § 2255 should be **DISMISSED** without prejudice, that the Court will re-enter the judgment in Movant's criminal case, and that a certificate of appealability should be **DENIED** as unnecessary.

The Clerk shall send a copy of this Order to counsel for the parties.

SO ORDERED this 27th day of September, 2018, at McAllen, Texas.



Randy Crane
United States District Judge